

## **Overarching Issue Options for Stakeholder Consideration**

### **December 2, 2010**

**NOTE:** The purpose of the overarching issue options is to assist Stakeholders in reaching consensus on the broader topics discussed during the November 30, 2010 meeting.

#### **Map:**

##### **1. Existing RPA Map:**

- a. RPA as delineated (green) – includes approximately 1,000 miles of stream and affects approximately 10% of parcels.
- b. Delineations are required at a specified threshold of significant land disturbance (e.g., 2,500 sf, 10,000 sf, etc.) to capture all perennial streams.
- c. Include connected wetlands as identified by wetland delineations.
- d. Establish a Plan of Development threshold (e.g., 2,500 sf, 10,000 sf, etc.) (Issue #28) and allow Agreements in Lieu of a Plan to be submitted in conjunction with grading permit applications for land disturbances below the threshold. (Issue #12).
- e. Retain the existing RPA (9/21/10 – stormwater management ponds with up to 1.5 times the required water quality volume are not included in the RPA) given the relief afforded by the proposed Exemptions and Administrative Waivers for improvements within the RPA. (Issue #2)
- f. Establish RPA delineation application requirements. (Issue #30)

#### **Considerations:**

- Based on County soil survey data (best available data for perennality - year round flow).
- Level of accuracy provides a conservative estimate of the extent of perennial streams. Provides a level of certainty in that “the map is the map,” except in cases where a disturbance greater than the specified land disturbance threshold is proposed, which is unlikely on existing, suburban lots.
- Delineations, which identify connected wetlands, when present, are required when the threshold is exceeded if a stream is present and it has the potential to be perennial.
- Boundary of RPA can only expand on the parcel subject to the delineation - expansion of the RPA onto other parcels would require a public hearing and subsequent action by the Board of Supervisors.

##### **2. RPA based on Drainage Area:**

- a. RPA based on drainage area:
  - i. 50-acre drainage area (orange) – includes approximately 1,300 miles of stream, and affects approximately 14% of parcels.
  - ii. RPA based on 35-acre drainage area (purple) – includes approximately 1,500 miles of stream and affects approximately 16% of parcels.
- b. Delineations would be required to remove areas of RPA from the map that do not meet the perennality definition/criteria.
- c. Does not include connected wetlands.

#### **Considerations:**

- This option is based solely on drainage area, which varied from 2 acres of drainage to 555 acres of drainage at the 155 points studied by the County

- Not one of the indicators included in Virginia perennial stream protocols.
- Would capture an estimated 65% of perennial streams based upon the statistical analysis of the data obtained during the study, but includes areas identified as intermittent streams based upon the County soil survey data.
- Provides certainty in that the boundary of the RPA cannot expand without a public hearing and a subsequent action by the Board of Supervisors to amend the adopted map.
- Connected wetlands are not included; however, delineations would still be required to remove segments from the map in cases where the stream is not perennial.
- Potential for increased impacts on landowners due to the initial expansion of the RPA, irrespective of the proposed land disturbance threshold of the project.

### **Buffer Width/Exemptions/Waivers:**

#### **3. 100-foot Buffer in conjunction with the following Exemptions/Waivers:**

- a. ***Exempt*** residential accessory structures (e.g., sheds) up to a cumulative total of 150 sf (inclusive of structures in the RPA at the time of adoption). (Issue #5)
- b. Allow disturbances up to 2,500 sf in the landward 50-feet by ***Administrative Waiver*** on lots that contain 50% or less RPA. (Issue #7/6)
- c. Allow disturbances up to 5,000 sf in the landward 50-feet by ***Administrative Waiver*** on lots that contain more than 50% RPA. (Issue #7/6)
- d. Allow disturbances up to 2,500 sf in the seaward 50-feet by ***Administrative Waiver*** in cases where an existing, principle structure was located in the RPA at the time of adoption. (Issue #32)
- e. ***Exempt*** private roads and driveways in the RPA, subject to the criteria outlined in the public road exemption. (Issue #14)
- f. ***Exempt*** stream and wetland restoration projects in the RPA, subject to local grading permit requirements. (Issue #15)
- g. ***Exempt*** approved drainfields and drainfield connections in the RPA. (Issue #16)
- h. Require a Minor Water Quality Impact Assessment (WQIA), as opposed to a Major WQIA, for docks and piers in the RPA, which are permitted water dependent uses. (Issue #34)

### **Considerations:**

- 100-foot buffer removes 75% of sediment and 40% of nutrients - established by the State regs to achieve goal of “balanced economic development & water quality protection.”
- Consistent with surrounding jurisdictions (e.g., Fairfax & Prince William - early 1990’s).
- ***Exempt*** uses are allowed in the RPA and do not require the review of a water quality impact assessment or mitigation.
- ***Administrative Waivers*** require staff review and approval, review of a water quality impact assessment, and mitigation.
- Ordinance would allow submission of a Minor Water Quality Impact Assessment (WQIA) for the referenced waivers to avoid cost of consultant/engineer studies.
- Public hearing by the appointed Chesapeake Bay Review Board (or Board of Supervisors for legislative applications), and a Major WQIA would only be required in cases where disturbances in the landward 50-feet exceed the referenced thresholds, or where disturbances in the seaward 50-feet are proposed.